

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:05cv487

SECURITIES AND EXCHANGE)
COMMISSION,)

Plaintiff,)

vs.)

ORDER

VINCENT A. LENARCIC, JR.,)
NEW VISION INVESTMENT)
FUNDS, LLC, and QMA)
INVESTMENT MANAGEMENT)
LLC,)

Defendants.)

THIS MATTER is before the Court *sua sponte*.

By Order entered September 26, 2007, the Court ordered the parties to file a status report advising whether this case has been settled. In the event that the case was not settled, the Court ordered the Defendants to file Answer to the Plaintiff's Complaint and for the parties to file a Certificate of Initial Attorneys Conference on or before November 12, 2007.

On October 3, 2007, the parties filed a status report with the Court, advising that a settlement package was transmitted to Defendants' counsel

on September 27, 2007. The parties advise that this settlement package, if executed by Defendants and accepted by the Securities and Exchange Commission (“Commission”), will be a global resolution of the case. The parties advise that obtaining Defendant Lenarcic’s signature on the settlement package is complicated by the fact that he is currently incarcerated as a federal prisoner. Finally, the parties advise that once the settlement offer has been approved by the Defendants, it will take approximately 120 days for the Commission to calendar, hear, and consider the settlement offer.

The November 12, 2007 deadline for the Defendants to file an Answer and the parties to file a Certificate of Initial Attorneys Conference has passed without compliance, which would be necessary for the Plaintiff’s continued pursuit of this claim.

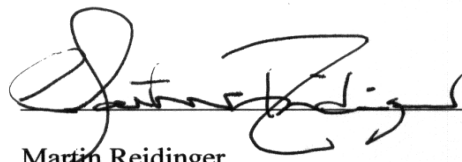
The Court finds that it is reasonable for the Plaintiff to take approximately 30 days to transmit the settlement package to Defendant Lenarcic and obtain his signature, and further based on the Plaintiff’s representations to the Court regarding the Commission requiring approximately 120 days to consider the written settlement offers, it appears to the Court that approval of any such settlement should be obtained from

all parties by March 1, 2008, and the appropriate documents filed with this Court to close the Court file by that date.

Accordingly, **IT IS, THEREFORE, ORDERED** that if a stipulation of dismissal or other documentation necessary to close the Court file in this matter is not filed on or before **March 1, 2008** in accordance with the settlement of the parties, and no other necessary action is taken by the Plaintiff to pursue this matter, the Court will dismiss this action for failure to prosecute.

IT IS SO ORDERED.

Signed: November 30, 2007


Martin Reidinger
United States District Judge

